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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,468	12/26/2001	Rainer Kuth	2000P22926 US	2967

466 7590 02/10/2005

YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON, VA 22202

EXAMINER

PARTON, KEVIN S

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,468

Applicant(s)

KUTH, RAINER

Examiner

Kevin Parton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/20.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because on page 2, line 9, it appears that a word has been omitted after the phrase "of the service provider, receives an...". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 5, and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Regarding claim 1, the limitation "same provider" in lines 11-12 is unclear because both a service provider and information provider have been pointed out in the claim.
5. Claims 5 and 6 recites the limitation "monitoring period" in line 2. There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under

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the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by

Druckenmiller et al. (USPN 6,167,435).

8. Regarding claim 1, Druckenmiller et al. (USPN 6,167,435) teach a system

for handling an information item which originates from an information provider

(figure 2; column 3, lines 4-13), is made available by a service provider and can

be called via a communications network, comprising means wherein:

a. An ident code which identifies the information item is allocated to the information provider by the service provider (column 3, lines 24-25, 35-37).

b. The information item is deleted if the ident code is not transmitted to the same provider by the information provider (column 3, lines 40-53; column 6, lines 58-59).

9. Regarding claim 2, Druckenmiller et al. (USPN 6,167,435) teach all the limitations as applied to claim 1. They further teach means wherein the ident code is transmitted together with a handling instruction relating to the information item, to the service provider by the information provider (column 3, lines 47-60).

Note that the email reply or link carries an instruction to add the address to the subscription database.

10. Regarding claim 3, Druckenmiller et al. (USPN 6,167,435) teach all the limitations as applied to claim 2. They further teach means wherein during the transmission of the ident code together with a handling instruction by the

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information provider, the service provider handles the information item in accordance with the handling instruction (column 3, lines 47-60). Note that if the email can require either the addition of removal of an address from the subscription list.

11. Regarding claim 4, Druckenmiller et al. (USPN 6,167,435) teach all the limitations as applied to claim 2. They further teach means wherein the handling instruction comprises changing the information item, retaining the information item, or deleting the information item (column 3, lines 47-60; column 8, lines 10-15).

12. Regarding claim 5, Druckenmiller et al. (USPN 6,167,435) teach all the limitations as applied to claim 1. They further teach means wherein the monitoring period can be predetermined (column 3, line 67 – column 4, line 3).

13. Regarding claim 6, Druckenmiller et al. (USPN 6,167,435) teach all the limitations as applied to claim 1. They further teach means wherein the monitoring period takes place automatically (column 3, line 67 – column 4, line 3).

14. Regarding claim 7, Druckenmiller et al. (USPN 6,167,435) teach all the limitations as applied to claim 1. They further teach means wherein the communications network is the Internet (column 2, lines 60-65).

15. Regarding claim 8, Druckenmiller et al. (USPN 6,167,435) teach all the limitations as applied to claim 1. They further teach means wherein the ident code is transmitted to the information provider by e-mail (column 3, lines 35-37).

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16. Regarding claim 9, Druckenmiller et al. (USPN 6,167,435) teach all the limitations as applied to claim 1. They further teach means wherein the ident code is transmitted, together with the handling instruction relating to the information item, to the service provider by e-mail (column 3, lines 47-48).

17. Regarding claim 10, Druckenmiller et al. (USPN 6,167,435) teach all the limitations as applied to claim 1. They further teach means wherein the information item made available has at least the last update date of the information (figure 3). Note that a date is sent with the information when it is updated.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see the following:

- a. Krishan et al. (USPN 6,442,529)
- b. Gupta et al. (USPN 6,487,538)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (571)272-3958. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Parton
Examiner
Art Unit 2153

ksp



CLINTON L. DWYER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100